

RULES OF APPELLATE PROCEDURE

Appendix

APPENDIX CLERK'S INSTRUCTIONS FOR PREPARATION OF EXCERPTS

A. APPELLANT'S EXCERPT OF RECORD

1. An excerpt of record must be bound on the left-hand side in the same manner as a brief. All excerpts, whether submitted by appellant or appellee, must have a pink cover. The cover must be the same weight and quality as the cover of a brief. The cover must contain the same information that appears on the front cover of the brief, but must be labeled "APPELLANT'S EXCERPT OF RECORD" instead of "BRIEF OF APPELLANT." It must also contain the volume number, e.g., "Volume 1 of 1."

EXAMPLE:

SUPREME COURT OF THE STATE OF ALASKA	
IN THE MATTER OF	
JANE A. DOE,)
)
Appellant,)
)
vs.)
)
JOHN B. DOE,)
)
Appellee.)
_____)
) Supreme Court No. S-5741
) Superior Court No. 3AN-92-4375 CI
APPEAL FROM THE SUPERIOR COURT, THIRD JUDICIAL DISTRICT AT ANCHORAGE, THE HONORABLE J. WILLIAM JONES, PRESIDING	
<u>APPELLANT'S EXCERPT OF RECORD</u>	
<u>VOLUME 1 OF 1</u>	
JAMES SMITH (1234567) 100 A Street, Suite 100 Anchorage, Alaska 99000 (907) 333-3333	
Attorney for Appellant Jane A. Doe	
Filed in the Supreme Court of the State of Alaska, this _____ day of _____, 2003.	
Marilyn May, Clerk	
By: _____ Deputy Clerk	

2. Documents in the excerpt of record must be arranged in chronological order by document execution date, with the document with the earliest date on top.

A memorandum filed in support of a motion should be placed immediately following the motion. Exhibits or attachments to the memorandum should follow the memorandum — even if the exhibit or attachment had an earlier execution date than the memorandum.

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If pages of the transcript are included in the excerpt, these pages should appear together at the end of the excerpt, in numerical order (e.g., pp. 45-48, 87, 151-152).

See Section E on confidential documents.

3. Documents in the excerpt must be copied on both sides of the paper (i.e., double-sided copies).
4. Pages must be numbered in a single consecutive sequence throughout all volumes (e.g., if volume 1 contains pages 1 through 200, then volume 2 would begin with page 201). Page numbers must appear at the bottom of the page.
5. Each excerpt must contain a full table of contents at the beginning of the first volume. A party submitting a multi-volume excerpt must duplicate the full table of contents at the beginning of each volume. The table of contents must be prepared as follows:
 - a. Each document in the excerpt must be listed by title, execution date, document creator's name (unless the creator is obvious), and the page on which the document begins.

EXAMPLE (multi-defendant case):

Complaint, November 12, 1990.....	1
Smith's Answer, December 8, 1990.....	38
Johnson's Answer, December 10, 1990	55

- b. When there is more than one volume of the excerpt, each document filed in a particular volume must be listed under the volume heading.

EXAMPLE:

Affidavit of Mary Smith, March 15, 1991	197
<u>Volume 2</u>	
Affidavit of William Johnson, April 3, 1991	199

- c. See Section E on confidential documents.

B. APPELLEE'S EXCERPT OF RECORD

The rules outlined above for Appellant's Excerpt of Record apply except that the first page of the first document in Appellee's excerpt must begin with the number immediately following the number of the last page in Appellant's excerpt (e.g., if Appellant's excerpt ends with page 237, then Appellee's excerpt would begin with page 238).

See Section E on confidential documents.

C. SUPPLEMENTAL EXCERPT OF RECORD

The rules outlined above apply except that the title of the file should be "Appellant's Supplemental Excerpt of Record" or "Appellee's Supplemental Excerpt of Record." In addition, the first page of the first document in a supplemental excerpt must begin with the number immediately following the number of the last page of the last excerpt filed in the case (e.g., if the last volume of Appellee's excerpt of record ends with page 225, then a supplemental excerpt filed with Appellant's reply brief would begin with page 226).

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D. CITATION GUIDELINES

1. DOCUMENTS IN AN EXCERPT OF RECORD: (Exc. 126).
2. TRANSCRIPT: (Tr. 109).
3. DOCUMENTS IN THE RECORD, BUT NOT IN AN EXCERPT: (R. 78).

Note: When citing testimony presented by deposition, do not cite to the deposition. Instead, include the relevant pages of the deposition in the excerpt and cite to the excerpt.

E. CONFIDENTIAL DOCUMENTS

1. Confidential documents must be arranged in chronological order by document execution date, with the document with the earliest date on top.

2. Pages must be numbered consecutively, beginning with the number immediately following the number of the last page of the last non-confidential document in Appellant's excerpt. Page numbers must appear at the bottom of the page.

3. Confidential documents must be placed in a manila envelope marked "APPELLANT'S EXCERPT — CONFIDENTIAL." The case name and the appellate case number must be written on the front of the envelope. The envelope must be placed at the end of the last volume of the party's excerpt.

4. Confidential documents must be listed at the end of the table of contents under the heading "Confidential Envelope."

EXAMPLE:

Judgment and Commitment, November 2, 1992 67

Confidential Envelope

Presentence Report, August 30, 1992..... 68

Updated Presentence Report, September 15, 1993..... 76

5. The first page of the first document in Appellee's excerpt begins with the number immediately following the number of the last page of the last document in Appellant's confidential envelope (e.g., if the last confidential document in Appellant's confidential envelope ends with page 95, then Appellee's excerpt would begin with page 96).

F. AGENCY APPEALS TO THE SUPERIOR COURT.

An excerpt of record is required in an appeal from an administrative agency to the superior court. See Appellate Rule 604(b)(1)(B). These instructions govern the form of excerpts filed in the superior court, except that

1. documents in an excerpt must be copied on one side of the paper (**not** duplexed) and two-hole punched at the top center of each page;
2. each volume of the excerpt must stapled or bound **at the top** with a metal fastener (e.g., an Acco fastener);

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3. the cover of the excerpt must be on **white** paper of the same weight and quality as other documents in the excerpt; and

4. only one copy of the excerpt must be filed with the court.

G. PURPOSE OF EXCERPTS.

Submitting a proper excerpt is essential to the court's efficient understanding of a case. An excerpt which is indiscriminately overinclusive may divert the court's attention from those few documents which may be dispositive. Parties are urged to ensure that the critical documents potentially dispositive of the appeal are contained in the excerpt, and that the brief or the excerpt adequately advises the court exactly which documents are critical.